

U.S. District Court
District of New Mexico - Version 6.1 (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:13-cv-01120-MV-KBM

S.B. v. State of New Mexico et al

Assigned to: District Judge Martha Vazquez

Referred to: Magistrate Judge Karen B. Molzen

Case in other court: First Judicial District Court, CV-13-02568

Cause: 28:1441 Petition for Removal- Civil Rights Act

Date Filed: 11/20/2013

Date Terminated: 08/18/2014

Jury Demand: Both

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Date Filed	#	Docket Text
11/20/2013	1	NOTICE OF REMOVAL by New Mexico Department of Public Safety, The State of New Mexico from First Judicial District Court, case number D-101-CV-2013-02568. (Filing Fee - Online Payment), filed by New Mexico Department of Public Safety, The State of New Mexico. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Brennan, Christina) (Entered: 11/20/2013)
11/20/2013		Filing and Administrative Fees Received: \$ 400 receipt number 1084-3351369 re 1 Notice of Removal, filed by New Mexico Department of Public Safety, The State of New Mexico (Payment made via Pay.gov)(Brennan, Christina) (Entered: 11/20/2013)
11/20/2013		United States Magistrate Judge Alan C. Torgerson and Chief United States Magistrate Judge Karen B. Molzen are assigned. (jc) (Entered: 11/20/2013)
11/20/2013	2	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Alan C. Torgerson to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference.</i> For e-filers, visit our Web site at www.nmcourt.fed.us for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (jc) (Entered: 11/20/2013)
11/21/2013	3	NOTICE of Appearance by James P Sullivan on behalf of Timothy Carlson (Sullivan, James) (Entered: 11/21/2013)
11/21/2013	5	NOTICE of Appearance by Christina L Brennan on behalf of Timothy Carlson (Brennan, Christina) (Entered: 11/21/2013)
11/26/2013	6	NOTICE by Timothy Carlson, New Mexico Department of Public Safety, State of New Mexico <i>Notice of Agreed Upon Extension of Time for Defendants to File an</i>

		<i>Answer to Plaintiff's Complaint</i> (Brennan, Christina) (Entered: 11/26/2013)
12/24/2013	7	NOTICE of Attorney Substitution: James P Sullivan substituted for Christina L Brennan and James P Sullivan (Sullivan, James) (Entered: 12/24/2013)
12/24/2013	8	ANSWER to Complaint (Notice of Removal) by Timothy Carlson. (Sullivan, James) (Entered: 12/24/2013)
12/24/2013	9	DEMAND for Trial by Jury by Timothy Carlson (Sullivan, James) (Entered: 12/24/2013)
12/26/2013	10	NOTICE by New Mexico Department of Public Safety, State of New Mexico (<i>Entry of Appearance and Substitution of Counsel</i>) (Dickman, Michael) (Entered: 12/26/2013)
12/26/2013	12	CROSSCLAIM (<i>and Answer to Plaintiff's Complaint</i>) against Timothy Carlson, filed by New Mexico Department of Public Safety, State of New Mexico.(Dickman, Michael) (Entered: 12/26/2013)
01/02/2014	13	DEMAND for Trial by Jury by S. B. (Kennedy, Joseph) (Entered: 01/02/2014)
01/13/2014	14	<i>Defendant Carlson's</i> ANSWER to 12 Crossclaim by Timothy Carlson.(Brennan, Christina) (Entered: 01/13/2014)
01/14/2014	15	INITIAL SCHEDULING ORDER by Chief Magistrate Judge Karen B. Molzen setting a telephonic Rule 16(c) initial scheduling conference for 2/28/2014 at 02:00 PM in Albuquerque - Telephonic Hearing/Conference before Chief Magistrate Judge Karen B. Molzen. Joint Status Report and Provisional Discovery Plan due by 2/21/2014. Unless otherwise notified by the Clerk or the Court a notice of consent or non-consent for this case to proceed before the trial Magistrate Judge should be submitted by each party no later than 2/4/2014. (cda) (Entered: 01/14/2014)
01/15/2014	16	AMENDED INITIAL SCHEDULING ORDER (as to date of Rule 16 initial scheduling conference only, all other dates remain the same) by Chief Magistrate Judge Karen B. Molzen setting the Rule 16 initial scheduling conference for 3/6/14 at 10:00 A.M. [THIS IS A TEXT-ONLY ENTRY. NO DOCUMENTS ARE ATTACHED.](cda) (Entered: 01/15/2014)
01/17/2014	17	PLEASE TAKE NOTICE that this case has been randomly reassigned to Magistrate Judge Lourdes A. Martinez to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent notice must be made no later than 14 days from the date of reassignment.</i> For e-filers, visit our Web site at www.nmcourt.fed.us for more information and instructions. Magistrate Judge Alan C. Torgerson no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (ln) (Entered: 01/17/2014)
01/21/2014	21	PLEASE TAKE NOTICE that this case has been reassigned to District Judge Martha Vazquez as the trial judge.

		<p>Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges.</p> <p><i>Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document. Kindly reflect this change in your filings.</i></p> <p>Magistrate Judge Lourdes A. Martinez no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (bap) (Entered: 01/21/2014)</p>
01/23/2014	22	<p>NOTICE REGARDING DOCUMENT ENTRIES: Because this case has been reassigned to a district judge, please be advised that any documents filed by the parties under Rule 73(b) have been permanently removed from the docket. Document(s) removed: Nos. 4, 11, 18, 19 and 20. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (dc) (Entered: 01/23/2014)</p>
02/18/2014	23	<p>CERTIFICATE OF SERVICE by S. B. <i>Plaintiff's First Set of Interrogatories to Defendant Carlson, Plaintiffs First Set of Interrogatories to Defendant Department of Public Safety, Plaintiffs First Set of Requests for Admissions to Defendant Timothy Carlson, Plaintiffs First Set of Requests for Production to Defendant Department of Public Safety, and Plaintiff's Requests for Production to Defendant Timothy Carlson</i> (Kennedy, Joseph) (Entered: 02/18/2014)</p>
02/18/2014	24	<p>MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of Complaint</i> by New Mexico Department of Public Safety. (Dickman, Michael) (Entered: 02/18/2014)</p>
02/19/2014	25	<p>Joint Status Report by Timothy Carlson (Brennan, Christina) (Entered: 02/19/2014)</p>
02/19/2014	26	<p>NOTICE of Appearance by Theresa V. Hacsí on behalf of S. B. (Hacsí, Theresa) (Entered: 02/19/2014)</p>
03/05/2014	27	<p>CERTIFICATE OF SERVICE by Timothy Carlson <i>Defendant Carlson's Initial Disclosures</i> (Brennan, Christina) (Entered: 03/05/2014)</p>
03/05/2014	28	<p>CERTIFICATE OF SERVICE by S. B. <i>Plaintiff's Rule 26 Initial Disclosures</i> (Kennedy, Joseph) (Entered: 03/05/2014)</p>
03/06/2014	29	<p>Clerk's Minutes for proceedings held before Chief Magistrate Judge Karen B. Molzen: Telephonic Rule 16 Initial Scheduling Conference held on 3/6/2014. (cda) (Entered: 03/06/2014)</p>
03/06/2014	30	<p>SCHEDULING ORDER by Chief Magistrate Judge Karen B. Molzen. Discovery due by 8/18/2014. Motions due by 9/12/2014. Proposed Pretrial Order due by 11/14/2014. (cda) (Entered: 03/06/2014)</p>
03/06/2014	31	<p>ORDER ADOPTING JOINT STATUS REPORT AND PROVISIONAL DISCOVERY PLAN by Chief Magistrate Judge Karen B. Molzen. (cda) (Entered: 03/06/2014)</p>
03/06/2014	32	<p>ORDER by Chief Magistrate Judge Karen B. Molzen setting a Status Conference for 4/22/2014 at 03:00 PM in Albuquerque - Telephonic Hearing/Conference before Chief Magistrate Judge Karen B. Molzen. (cda) (Entered: 03/06/2014)</p>

03/07/2014	33	ORDER by Magistrate Judge William P. Lynch. Status Conference set for 3/18/2014 at 08:30 AM in Las Cruces - Telephonic Hearing/Conference before Magistrate Judge William P. Lynch. (je) (Entered: 03/07/2014)
03/07/2014	34	NOTICE by S. B. re 24 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of Complaint</i> (Kennedy, Joseph) (Entered: 03/07/2014)
03/18/2014	35	Clerk's Minutes for proceedings held before Magistrate Judge William P. Lynch: Status Conference held on 3/18/2014. (je) (Entered: 03/18/2014)
03/18/2014	36	ORDER by Magistrate Judge William P. Lynch. Settlement Conference set for 6/19/2014 at 09:00 AM in Albuquerque - 421 Gold Sixth Floor before Magistrate Judge William P. Lynch. (je) (Entered: 03/18/2014)
03/28/2014	37	CERTIFICATE OF SERVICE by Timothy Carlson <i>for his Answers and Responses to Plaintiff's First Set of Interrogatories, Requests for Admissions and Requests for Production</i> (Brennan, Christina) (Entered: 03/28/2014)
03/28/2014	38	RESPONSE to Motion re 24 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of Complaint</i> filed by S. B.. (Attachments: # 1 Exhibit 1) (Kennedy, Joseph) (Entered: 03/28/2014)
04/08/2014	39	CERTIFICATE OF SERVICE by Timothy Carlson <i>Defendant Timothy Carlson's First Requests for Production of Documents and First Set of Interrogatories to Plaintiff S.B.</i> (Brennan, Christina) (Entered: 04/08/2014)
04/14/2014	40	REPLY to Response to Motion re 24 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of Complaint</i> filed by New Mexico Department of Public Safety, State of New Mexico. (Attachments: # 1 Exhibit)(Dickman, Michael) (Entered: 04/14/2014)
04/14/2014	41	NOTICE of Briefing Complete by New Mexico Department of Public Safety, State of New Mexico re 24 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of Complaint</i> filed by New Mexico Department of Public Safety (Dickman, Michael) (Entered: 04/14/2014)
04/16/2014	42	STIPULATED CONFIDENTIALITY ORDER by Chief Magistrate Judge Karen B. Molzen. (KBM) (Entered: 04/16/2014)
04/17/2014	43	CERTIFICATE OF SERVICE by New Mexico Department of Public Safety, State of New Mexico (<i>Answers to Plaintiff's First Set of Interrogatories and Request for Production</i>) (Dickman, Michael) (Entered: 04/17/2014)
04/22/2014	44	Clerk's Minutes for Status Conference held on 4/22/2014 before Chief Magistrate Judge Karen B. Molzen. Participants included Joseph Kennedy and Theresa Hacsí for Plaintiff, Michael Dickman for Defendants State of New Mexico and New Mexico Department of Public Safety, and James Sullivan on behalf of Defendant Timothy Carlson. Discovery is progressing. [THIS IS A TEXT-ONLY ENTRY. NO DOCUMENTS ARE ATTACHED.] (cda) (Entered: 04/22/2014)
04/30/2014	45	MOTION for Summary Judgment <i>on Cross Claim</i> by New Mexico Department of Public Safety. (Attachments: # 1 Affidavit (Exhibit A))(Dickman, Michael) (Entered: 04/30/2014)
05/06/2014	46	STIPULATED ORDER by Chief Magistrate Judge Karen B. Molzen.(cda)

		(Entered: 05/06/2014)
05/06/2014	47	NOTICE by New Mexico Department of Public Safety re 45 MOTION for Summary Judgment on Cross Claim (Agreed-Upon Extension of Time for Plaintiff and Defendant Carlson) (Dickman, Michael) (Entered: 05/06/2014)
05/09/2014	48	CERTIFICATE OF SERVICE by S. B. <i>Plaintiff's Second Set of Requests for Production and Plaintiff's Second Set of Interrogatories to Defendant New Mexico Department of Public Safety</i> (Kennedy, Joseph) (Entered: 05/09/2014)
05/19/2014	49	Unopposed MOTION to Extend (other) <i>Expert Witness Deadlines</i> by S. B.. (Hacsi, Theresa) (Entered: 05/19/2014)
05/19/2014	50	ORDER by Chief Magistrate Judge Karen B. Molzen granting 49 Unopposed Motion to Extend Expert Witness Deadlines. (cda) (Entered: 05/19/2014)
05/20/2014	51	NOTICE by Timothy Carlson <i>Notice of Deposition of Plaintiff S.B.</i> (Brennan, Christina) (Entered: 05/20/2014)
05/27/2014	52	ORDER by Magistrate Judge William P. Lynch. The Settlement Conference previously set for 6/19/2014 (see 36 Order) is hereby RESET for 6/20/2014 at 09:00 AM in Albuquerque - 421 Gold Sixth Floor before Magistrate Judge William P. Lynch. All other deadlines in the previous Order not in conflict with this Order, including the dates for submitting letters to chambers, remain in effect. (je) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 05/27/2014)
05/30/2014	53	NOTICE by S. B. <i>of Non-Appearance</i> (Kennedy, Joseph) (Entered: 05/30/2014)
06/02/2014	54	CERTIFICATE OF SERVICE by S. B. <i>Plaintiff's Responses to Defendant Timothy Carlson's First set of Interrogatories and Requests for Production of Documents to Plaintiff S.B.</i> (Hacsi, Theresa) (Entered: 06/02/2014)
06/04/2014	55	NOTICE by New Mexico Department of Public Safety (<i>Non-Appearance at Depositions</i>) (Dickman, Michael) (Entered: 06/04/2014)
06/16/2014	56	CERTIFICATE OF SERVICE by S. B. <i>Plaintiff's Rule 26 Supplemental Disclosures</i> (Hacsi, Theresa) (Entered: 06/16/2014)
06/20/2014	57	Clerk's Minutes for proceedings held before Magistrate Judge William P. Lynch: Settlement Conference held on 6/20/2014. (je) (Entered: 06/23/2014)
07/08/2014	58	NOTICE by New Mexico Department of Public Safety (<i>Unavailability of Mr. Dickman and Mr. Sullivan on July 10-16, 2014</i>) (Dickman, Michael) (Entered: 07/08/2014)
07/28/2014	59	ORDER to File Closing Documents by Magistrate Judge William P. Lynch. Closing documents due 8/28/2014. (je) (Entered: 07/28/2014)
08/18/2014	60	NOTICE of Voluntary Dismissal by Timothy Carlson, John Doe, New Mexico Department of Public Safety (Dickman, Michael) (Entered: 08/18/2014)
08/18/2014	61	NOTICE of Voluntary Dismissal of Case by State of New Mexico (Dickman, Michael) (Entered: 08/18/2014)